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8 Attorneys for Defendants
9 SAFER TECHNOLOGIES, INC.,
10 CERMA TECHNOLOGY, INC.,
11 GEORGE ACKERSON, MARY STRANAHAN,
12 NICHOLAS STREIT and EDWARD HALBACH

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION

16 MOTOR WORKS LLC,

17 Plaintiff,

18 vs.

19 SAFER TECHNOLOGIES, INC., CERMA
20 TECHNOLOGY, INC., GEORGE
21 ACKERMAN, MARY STRANAHAN,
22 NICHOLAS STREIT, TIM STREIT and
23 EDWARD HALBACH,

24 Defendants.

Case No.: 08-CV-03608 JW

**NOTICE OF PLAINTIFF'S FAILURE TO
MEET AND CONFER IN VIOLATION OF
THE COURT'S JULY 8, 2009
PRELIMINARY PRETRIAL
CONFERENCE SCHEDULING ORDER**

Date: March 16, 2010
Time: 1:00 p.m.
Courtroom: 8, 4th Floor
Judge: Hon. James Ware

25 TO EACH PARTY AND THEIR ATTORNEY OF RECORD:

26 YOU ARE HEREBY NOTIFIED THAT plaintiff Motor Works LLC has failed to meet
27 and confer with defendants' counsel as required by the Court's July 8, 2009 Preliminary Pretrial
28 Conference Scheduling Order (the "Order").

The Court's Order specifies that a Joint Final Pretrial Conference Statement and *In Limine* Motions are due on January 22, 2010. The Court's Order further requires that the parties meet and confer regarding this Joint Final Pretrial Conference Statement. In an effort to meet and confer, defendants' counsel sent the correspondence attached hereto as Exhibit "A" to plaintiff's

1 counsel on Tuesday, January 19, 2010. Plaintiff's counsel has failed to respond. [Accompanying
2 declaration of Kristen E. Drake.]

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5 Dated: January 22, 2010

CRAIGIE, McCARTHY & CLOW

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7
8 /s/ James M. Hanavan

9 By: James M. Hanavan
10 Attorneys for Defendants
11 SAFER TECHNOLOGIES, INC.,
12 CERMA TECHNOLOGY, INC.,
13 GEORGE ACKERSON,
14 MARY STRANAHAN,
15 NICHOLAS STREIT and
16 EDWARD HALBACH
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Exhibit “A”

From: craigielaw@aol.com
To: rcweems@weemslawoffices.com
Cc: JimHanavan@aol.com
Subject: Joint Pretrial Conference Statement
Date: Tue, Jan 19, 2010 1:54 pm

Dear Mr. Weems,

Pursuant to the Court's July 8, 2009 Preliminary Pretrial Conference Scheduling Order, the Joint Final Pretrial Conference Statement and *In Limine* Motions are due this Friday. Please forward to us a proposed Joint Pretrial Conference Statement which, pursuant to the court's order, contains the following:

1. A brief description of the substance of claims and defenses which remain to be decided
2. A detailed statement of all the relief claimed, particularly itemizing all elements of damages claimed as well as witnesses, documents or other evidentiary material to be presented concerning the amount of those damages
3. A plain and concise statement of all relevant facts not reasonably disputable, as well as which facts the parties will stipulate for incorporation into the trial record without the necessity of supporting testimony or exhibits
4. A plain and concise statement of all disputed factual issues which remain to be decided
5. A statement assessing whether all or part of the action may be presented upon an agreed statement of facts
6. A statement of stipulations requested or proposed for pretrial or trial purposes
7. A concise statement of each disputed point of law concerning liability or relief
8. A list of all witnesses likely to be called at trial
9. A list of evidence the parties intend to present at trial through use of excerpts from depositions, from interrogatory answers, or from responses to requests for admissions
10. Any other subjects relevant to the trial of the action, or material to its just, speedy and inexpensive determination

Sincerely,
Kristen Drake